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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BROWN et al

Serial No. 09/117,218

Filed: January 11, 1999

For: TREATMENT OF NON-NEURONAL CANCER  
USING HSV MUTANT

Atty. Ref.: 620-70

Group: 1632

Examiner: Nguyen, Q.

#21/E  
Zita  
1-10-03

\* \* \* \* \*

January 7, 2003

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**SUPPLEMENTAL AMENDMENT**

Supplemental to the Amendment filed on September 4, 2002, entry and  
consideration of the following amendment are requested.

**IN THE CLAIMS**

Amend the claims as follows.

23. (Amended) A method of treating a non-neuronal cancer, which comprises a non-neuronal tumor cell, in a mammal, said method comprising the step of injecting a mammal intratumorally with an effective amount of a mutant herpes simplex virus comprising a non-functional gene, wherein said non-functional gene consists essentially of a non-functional gamma 34.5 gene and wherein said mutant virus infects, replicates